

to proceed to both of those appropriation bills in turn.

Mr. President, I believe I have no further need for my time under the standing order.

Mr. President, I yield so that the Chair may admit a messenger from the House of Representatives.

#### MESSAGES FROM THE HOUSE

At 10:00 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador;

H.R. 2148. An act to reenact the Follow Through program with certain technical changes, to authorize appropriations for such program for fiscal years 1984 and 1985, and for other purposes;

H.R. 2207. An act to reenact the Emergency School Aid Act;

H.R. 2355. An act to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era; and

H.R. 3132. An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

#### THE APPROPRIATION BILLS

Mr. BAKER. Mr. President, this is the third of the 15 regular appropriation bills, that we have received from the House of Representatives, and once again, I commend the House and express my gratitude, for sending this bill to the Senate. I am sure that all Senators are grateful for these bills, as they must originate from the House, they necessarily set the agenda of the Senate for their consideration.

One wag this morning remarked that the House is getting more like the Senate. I am not sure our colleagues in the House will appreciate that. But his observation was that the House yesterday spent all day debating another bill, the Treasury-Postal Service appropriations bill, adopted a series of amendments, and then defeated the bill by more than 100 votes on final passage.

Mr. President, I now yield to the acting minority leader any portion of my time under the standing order which may remain.

#### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, on behalf of the minority leader, I yield back such time as may be available.

#### RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from

Illinois is recognized for not more than 15 minutes.

#### CABLE TELECOMMUNICATIONS ACT OF 1983

#### DIXON AMENDMENT NOS. 1324 AND 1325

(Ordered to lie on the table.)

Mr. DIXON submitted two amendments intended to be proposed by him to the bill (S. 66) to amend the Communications Act of 1934; as follows:

On page 32, beginning with line 14, strike out all through line 20 on page 33.

On page 33, line 21, strike out "(2)" and insert in lieu thereof "(b)".

On page 34, line 10, strike out "(e)" and insert in lieu thereof "(c)".

On page 34, line 15, strike out "(f)" and insert in lieu thereof "(d)".

On page 34, line 21, strike out "(g)" and insert in lieu thereof "(e)".

On page 35, line 3, strike out "(h)" and insert in lieu thereof "(f)".

On page 36, beginning with line 18, strike all through line 18 on page 37, and insert in lieu thereof the following:

"SEC. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension if it finds that—

(1) the cable system operator has substantially complied with the material terms of such franchise and with applicable law,

(2) the cable system operator has not been convicted of a felony;

(3) there has been no material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

(4) the facilities to be provided for such operator, including facilities for governmental access, are reasonable in light of the community need for and cost of such facilities;

(5) the signal delivered by the cable system within the control of the cable system operator, has generally met technical standards as established by the Commission; and

(6) the proposals contained in the renewal application are otherwise reasonable.

On page 37, strike out line 23.

On page 38, line 1, strike out "request" and the comma immediately before "accept".

On page 38, line 1, strike out the comma immediately after "accept" and strike out "or consider".

On page 38, line 3, strike out "approved" and the period and insert in lieu thereof "approved; and".

On page 38, between lines 3 and 4, insert the following new paragraph:

"(3) may not accept any bid that does not ensure that the original franchisee receives fair market value for any assets to be acquired by the proposed new franchise holder.

On page 39, line 3, strike out "de novo".

On page 39, line 4, strike out all beginning with "jurisdiction" through line 5 and insert in lieu thereof "jurisdiction, and such review shall be limited to issues of law and procedure."

Mr. DIXON. Mr. President, I submit two amendments to Senate bill, S. 66, for printing.

The Cable Telecommunications Act of 1983 as now written is not an entirely satisfactory piece of legislation. For example, Mr. President, not one community in my State has written or contracted me in favor of this bill. However, many have expressed opposition to S. 66. I ask unanimous consent that a sample of the letters from communities throughout my State be printed in the RECORD at the conclusion of my remarks.

In addition, I also ask that an editorial from the June 8 edition of the Chicago Sun-Times be reprinted. It makes a number of salient points about S. 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. DIXON. Mr. President, I find it ironic at a time when we in Congress are trying to shift regulatory responsibility to State and local jurisdictions that we are now presented with legislation imposing new Federal rules on these governmental bodies. This legislation would impose unilateral changes in cable contracts that have been painstakingly negotiated in such sensitive areas as franchise renewal and rate regulation.

Cable operations are a monopoly not subject to effective competitive in many instances. Local government is in the best position to determine whether regulation is appropriate, and in what form and under what conditions it should be suspended or eliminated.

As cable television has developed throughout our States, local communities have clearly acted in a responsible manner in granting needed rate increases. But rate regulation is an integral enforcement mechanism for many franchisers. Therefore, if S. 66 is to pass, I would urge my colleagues to support my amendment, which would delete the automatic rate increase provision of S. 66.

Section 609, "Renewal and Expansion Procedures," is flawed because it is anticompetitive. This section will deter new entrants and minimize competition among existing cable companies, while protecting incumbent operators from pressure to upgrade their systems at the time of franchise renewal. Furthermore, it invites costly litigation. Section 609 not only preempts the substantive criteria for granting renewals and the procedure to be followed, but overturns the traditional deference of the courts to a community's legislative decision by granting a right to de novo review.

My amendment gives the incumbent operator a predictable procedure to follow and the opportunity to justify renewal in light of past performance and future promises. The burden lies with the operator, not the local community.

The cable industry has not demonstrated any abuse by local regulators of the present renewal process. Almost

all franchises are renewed today. Cable incumbents do not need a presumption of renewal to have an inherent economic advantage over challengers. Such a presumption makes it almost impossible to eject a poorly performing operator from a community.

Renewal is an appropriate time for a community to review the overall quality of service it has received. This process allows the study of the alternatives to existing facilities, as well as possible improvements in the system and service to adjust to future community needs. Failure to renew is extraordinary because the existing operator has strong competitive advantages—such as an in-place facility—over any outside bidder. My amendment will insure that in the extraordinary circumstance where a franchise is not renewed, the original franchise holder must receive fair market value for any assets that are to be acquired by the new franchise holder.

The amendment strikes the committee provision for de novo review, while allowing judicial review limited to the issues of law and renewal procedures. De novo review creates an expensive legal tangle with the difficult burden of proof on local communities.

Many local communities have participated for over a year or more in expensive studies on the best cable operation for their citizens. S. 66 dilutes the value of these plans and substitutes requirements that do not reflect the will of the local community. Local government has proved itself to be the proper level at which to evaluate the quality of service, to establish the reasonableness of rates, and to protect the consumer. Effective competition in the cable industry should be the main ingredient in determining what is best for a local community, be it rural or urban.

If we are to make changes in cable television in our Nation, we must do so only in a fair and equitable manner. I offer these amendments in that spirit, and request that my colleagues strengthen this bill by adopting these amendments.

#### EXHIBIT 1

VILLAGE OF ELMWOOD PARK,  
Elmwood Park, Ill., May 4, 1983.

Hon. ALAN DIXON,  
U.S. Senate,  
Washington, D.C.

DEAR SIR: At a Village meeting on the 2nd of May, our Board of Trustees passed a resolution indicating our opposition to Senate Bill 66 regarding Cable Television. A copy of this resolution is enclosed.

We have spent a considerable amount of time in researching the many aspects of a cable system for our community and feel that we are in a better position to regulate an effective cable system for our residents than a bureau that is far removed from us.

We ask that you review the resolution and keep our concerns in mind when you are called upon to cast your vote.

Yours very truly,

RICHARD B. NUZZO,  
Village Manager.

CITY OF DEKALB,  
DeKalb, Ill., May 4, 1983.

Hon. ALAN DIXON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIXON: The City of DeKalb, along with many other communities throughout the United States, is in opposition to both Senate Bill No. 66 and the proposed cable television compromise as proposed by a joint committee in which the National League of Cities participated.

Enclosed herewith is a copy of a letter from the chairman of our Cable Television Advisory Board to our congressman, Tom Corcoran.

We urge your support of our position which opposes the elimination of local regulation of cable television matters.

Sincerely,

JOHN G. CARTWRIGHT,  
City Manager.

CITY OF DEKALB,  
DeKalb, Ill., May 4, 1983.

Hon. THOMAS CORCORAN,  
Longworth House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN CORCORAN: Thank you for your letters in reply to those sent by me for the DeKalb Cable TV Advisory Board and by John Cartwright for the DeKalb City Council. You note that since the drafting of Senate Bill #66 there has been a compromise proposed by a joint committee in which the National League of Cities participated. You ask whether our objection is to the original bill alone or also to the compromise.

Please permit me to say, speaking for the officials of DeKalb, that the compromise participated in by the National League of Cities does not meet with our satisfaction. It retains the essential objectionable features of Senate Bill #66 and provides us with little relief from the oppressive features of the original bill.

As noted in our earlier communications, rate regulation is the only device available to the City of DeKalb to insure compliance with the terms of its franchise. The fact that there will be a short period of relief from the elimination of rate regulatory powers vested in the City under the terms of the compromise (because of the grandfather clause in the compromise) does not meet the fundamental concern that we have about our relationship with our franchise holder, Warner, Amex Cable Communications, Inc., during the remainder of the life of our current franchise which runs to 1991.

An even larger problem exists for the City of DeKalb, and we are sure for other cities as well, insofar as the DeKalb-Warner franchise is, as franchises go, an old one. When written in 1976, as a revision of a much earlier franchise, it was not well drawn from the City's point of view. What was a weak franchise in 1976 is now a very poor franchise when compared with those written by other cities since 1976. If our current franchise is automatically renewed in 1991, the citizens of DeKalb will be stuck with an unconscionably poor cable system well into the next century. Automatic renewal of the existing franchise would be unreasonable.

DeKalb officials would hope that in any legislation passed by the Congress, rate regulation would be left with local communities and that franchising would not be automatic. At least, in the case of franchising,

it should be stipulated that franchising would have to be on a "most favored basis" so that communities like DeKalb would not be disadvantaged in perpetuity. Refranchising should permit cities to acquire as of right updated systems, improved services and competitive rates for services rendered.

We know that while the National League of Cities committee entered into the compromise to Senate Bill #66, many major cities, and no doubt smaller ones like DeKalb, have objected to that compromise. We would hope that you would support our position both in committee and on the floor when the legislation materializes in the House of Representatives. Moreover, we request that no action be taken by the House committee until the meeting of the U.S. Conference of Mayors on June 11 in Denver, so that the testimony of that conference may be entered into the record.

Sincerely,

MARTIN DAVID DUBIN,  
Chairman DeKalb Cable TV  
Advisory Board.

VILLAGE OF LONG GROVE,  
Long Grove, Ill., April 28, 1983.

Re: Senate bill 66, the Cable Telecommunications Act of 1983.

Senator ALAN J. DIXON,  
230 South Dearborn Street, Room 3996,  
Chicago, Ill.

DEAR SENATOR DIXON: The President and Board of Trustees of the Village of Long Grove would like your support to defeat Senate Bill 66, The Cable Telecommunications Act of 1983.

Attached you will find a checklist of problem areas that we see with this Act. As the County of Lake does not approve of this Act, neither does the Village of Long Grove. The Village of Long Grove participated for over a year in a countywide study of the kind of regulations and franchising tools to use in obtaining proper local control and service in the area of telecommunications. We in fact approved the same regulations that Lake County adopted.

We wish that you look at any bill controlling this subject, and keep the local concerns in mind and the items listed on the attached sheet.

Thank you for your time and efforts.

Yours,

D. M. "CAL" DOUGHTY,  
Village Administrator.

Franchise renewal process: Limits local ability; almost total protection to cable operator.

Franchise fee of 3 percent, to be used for cable purposes: Nullifies; FCC to set single national limit within 180 days of S. 66 enactment.

Protection of subscriber privacy: Preempted by federal standards.

#### IN GENERAL

Total Lake County effort to secure: good services; reasonable rates; protection to the public; proper business climate; open franchise process; competition for franchise, null and void!

Proper and reasonable regulations and requirements for franchise, null and void!

Local contractual arrangements mutually agreed upon, null and void!

Please note:

1. Lake County was complimented by cable operators and others for its cable ordinance and a well-conducted franchise process.

2. The preemption and nullification of local authority, determinations and agreements by unilateral federal action is a sig-

nificant blow to the national-local role in serving the public.

VILLAGE OF GLENVIEW,  
Glenview, Ill., April 19, 1983.

Senator ALAN J. DIXON,  
Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIXON: This letter is to inform you of the Village of Glenview's opposition to the National League of Cities (NLC) and the National Cable Television Association (NCTA) recommendation to the Senate as a substitute for S. 66. We see this legislation stripping localities of the right we currently have to regulate cable television. Further, the Village feels this legislation on balance, favors the cable television industry, and it is not a basis for a sound national public telecommunication policy.

In summary, we urge you to express to the Senate Commerce Committee, our opposition to the NLC/NCTA agreement.

Sincerely,

THOMAS E. SMITH,  
President.

CITY OF GALESBURG,  
February 24, 1983.

DEAR SENATOR DIXON: The National Federation of Local Cable Programmers has informed us of the reintroduction of a cable TV regulation bill (SB. 66), substantially similar to last year's SB. 2172. We are most concerned about the provisions of this bill and how they affect local government.

Concerning the particular items of the bill which may adversely affect us, we would be opposed to these changes:

**Rate Regulation**—While we do not regulate rates locally, we will renegotiate our franchise with this point in mind. Not to arbitrarily keep rates low, but to make rate increases justifiable as cable TV moves from strictly entertainment media to a "utility" concerned with services and information.

**Franchise Fees**—The current system of negotiated franchise fees gives both parties the opportunity to deliver service, i.e., the company supplying cable services with the fee being used for general government operations affected by cable as well as working on public access, emergency service, etc. Why is there a need for an arbitrary fee base for all local governments?

**Channel Usage for Public Purposes**—Some basic requirements for a public channel to allow some uniformity may be needed but beyond that, the negotiation process between local needs and the company should be allowed to occur.

**Franchise Renewals**—We believe the authority to grant and revoke franchises, allowing cities to establish ownership restrictions and qualifications on the franchises, is important. As we learned during our recent lawsuit, the only final action that cities can take if the cable company does not perform is the suspension of the franchise; and therefore, automatic renewals would leave municipalities with "toothless" agreements.

**Broadband Authority**—While we do not currently regulate our cable company's broadband service, it would be a subject of future franchises. Again, the local need should be addressed through negotiations.

Finally, making the provisions of such a bill effective in 90 days after passage may be unrealistic. Most such sweeping changes require more time to implement at the local level.

The City of Galesburg and Northwest Illinois TV Cable Company have implemented better and broader service for area residents. The local Cable Television Commission was created to intercede for and represent the public in all areas except rates. To date, it has been successful, particularly in

the areas of cable disputes and public access. We would not wish to see this progress reversed by this limiting legislation. The City Council and the Cable Commission have continued to favor local controls as the most effective and efficient method instead of State or Federal regulations.

On another matter, we are concerned about the Administration's proposals on public transit financing. The Section 18 funds for small cities show a reduction of \$22.8 million for FY 84 from amount authorized under the Public Transportation Assistance Act of 1982. With the new 5% gas tax, we would hope adequate funding at the proposed level would be available. We have raised fares from 25¢ to 50¢ to improve revenues, and we expect further increases to make up for Federal funding losses will substantially reduce ridership. There would be a possible reduction in our handicapped transportation service as well as regular mass transit.

Thank you for your attention to these important matters.

Sincerely,

LAWRENCE A. ASARO,  
City Manager.

VILLAGE OF RICHTON PARK,  
Richton Park, Ill., March 16, 1983.

Senator ALAN J. DIXON,  
Hart Senate Office Building,  
Washington, D.C.

SENATOR DIXON: We have been advised that Senate Bill #66 proposes to severely restrict or eliminate the franchising authority of local government as well as local authority in rate regulation, cable services and facilities, and franchise fees. It is our opinion that the participation of local governments in the regulation of cable franchise services is an important part of establishing and developing a community identity through the use of the local government access, educational access and public access channels. These services would probably not be offered due to a lack of economic return to the cable companies; as a result, our citizens depend on the ability of local government to collect franchise fees and administer cable television franchises which require these services.

In a period of time when the federal government is deregulating and cutting back on categorical grant programs and considering the cutback of entitlement programs, I would suggest that the federal intervention in cable regulation be held at its current level or defer totally to local governments, especially with respect to SMATV systems. To attempt to regulate an industry which has thousands of franchises in geographically dispersed areas from Washington, D.C. is administratively impossible and stifles local options which are made possible by rapidly advancing technology. Consequently, we would urge you to cast a negative vote to Senate Bill #66 when it reaches the Senate floor.

Sincerely,

FRANK ANWERINO,  
Chairman, Cable TV Commission.

VILLAGE OF PARK FOREST,  
Park Forest, Ill., March 10, 1983.

Senator ALAN DIXON,  
Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIXON: The President and Board of Trustees of the Village of Park Forest has unanimously passed the enclosed resolution in opposition to Senate Bill 66.

This bill severely limits the Village's authority to enforce contractual obligations undertaken by the cable franchisee. In addition, this legislation would curtail development of an important local communications

medium and restrict local origination and public access programming.

In our one short year of experience with cable, local programming has become an important means for discussion of public issues and provision of information to residents.

We urge you to vigorously oppose Senate Bill 66.

Very truly yours,

JOHN PERRY,  
Acting Village Manager.

#### RESOLUTION

Whereas, Senate Bill 66 would severely limit the Village of Park Forest authority over its cable franchisee; and

Whereas, Park Forest residents are involved in local programming having requested it be part of the franchisee's proposal and this is anchored in the franchise ordinance; and

Whereas, Park Forest benefits greatly from the use of government and community access since there are few other local media communication tools available in the Village;

Now, therefore, be it resolved by the President and Board of Trustees of the Village of Park Forest that they urge the Senate to vote against Senate Bill 66 since it severely limits the Village's ability to regulate the cable company, will limit our communication ability in the Village and may take away the advantages of local programming as requested when the franchise was awarded.

Be it further resolved that a copy of this resolution be transmitted to Senators Dixon and Percy.

Adopted this 28th day of February, 1983.

Approved:

RONALD BEAN,  
Village President.

COUNTY OF LAKE,  
Waukegan, Ill., March 18, 1983.

Re S. 66, the Cable Telecommunications Act of 1983.

DEAR SIR OR MADAM: Attached for your information is a Resolution of the Lake County Board adopted March 8, 1983 to express opposition to the federal legislation referenced above. A review of the resolution will result in your understanding of, and possibly your agreeing with, Lake County's opposition to this bill.

Please note that a recent series of events may have clarified the status of this legislation. After months of negotiation on cable legislation, the National League of Cities (NLC) and the National Cable Television Association (NCTA) appear to have reached a compromise on a number of cable issues of concern to both local government and the cable industry.

The NLC Board has approved the compromise proposal while the NCTA Board approval is expected March 22. Such a compromise, which is expected to be incorporated into S. 66, may make the bill, at least in part, more acceptable to local government. It is too soon to make any predictions however.

Sincerely,

GLENN E. MILLER,  
Chairman, Lake County Board.

COUNTY BOARD, LAKE COUNTY, ILL.,  
March 8, 1983.

MR. CHAIRMAN AND MEMBERS OF THE COUNTY BOARD: Your Financial and Administrative Committee presents herewith a Resolution expressing the opposition of the County of Lake to federal S. 66, The Cable

Telecommunications Act of 1983, and requests its adoption.

Respectfully submitted,

FINANCIAL AND  
ADMINISTRATIVE COMMITTEE  
RESOLUTION

Whereas, S. 66, The Cable Telecommunications Act of 1983 has been introduced in Congress to establish a federal policy concerning cable communications; and

Whereas, S. 66 would, in the name of promoting growth in the cable industry, preempt the authority of the County of Lake under Illinois statutes and the Lake County Cable Television Ordinance to grant and administer cable television franchise; and

Whereas, S. 66 would nullify and make void not only local objectives concerning cable communications, but would also nullify and make void contractual relationships of County-awarded franchises; and

Whereas, S. 66 is based upon S. 2172, a similar bill which was introduced in the previous session of Congress, and to which the opposition of the County of Lake was made known to the United States Senators from Illinois on July 13 and August 31, 1982; and

Whereas, it is the feeling of your Financial and Administrative Committee that to contemplate that Lake County objectives and contractual relationships with cable franchises could be nullified so drastically and suddenly is beyond comprehension under the intent of the new federalism policies being currently recommended.

Now, therefore, be it resolved, by this County Board of Lake County, Illinois, that the County of Lake expressly opposes S. 66, The Cable Telecommunications Act of 1983, as an improper and unilateral action by the federal government and that S. 66 can only be viewed as being contrary to established local authority, responsibility and effort; and

Be it further resolved, that the Lake County Board expressly states that the major provisions as contained in S. 66 require further study and public discussion, and for Congress to even consider such a bill, with the prior realization of the detrimental impact S. 66 would effect on local authority, is at the very least premature; and

Be it further resolved, that the impact of S. 66 on the County of Lake and its cable television franchises, all as outlined on the attachment hereto and which is hereby made a part of this Resolution, be communicated as appropriate to more fully present the impact such bill would impose on the County of Lake; and

Be it further resolved, that the County Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the County Administrator, the respective municipalities in Lake County which have or may exercise their statutory authority to franchise cable television, the Governor, of the State of Illinois, United States Senators Alan Dixon and Charles Percy, the Urban Counties Council of Illinois, the National Association of Counties, the National League of Cities, and, as sponsor of S. 66, to U.S. Senator Barry Goldwater.

Dated, at Waukegan, Lake County, Illinois, on this 8th day of March, A.D., 1983.

LAKE COUNTY, ILL. EFFECT OF S. 66, THE CABLE TELECOMMUNICATIONS ACT OF 1983 ON CABLE TELEVISION FRANCHISES AWARDED BY LAKE COUNTY ENVIRONMENTAL IMPACT STATEMENT

Franchise item and impact of S. 66 if adopted

Exercise of authority to franchise under Illinois Statutes: Preemption of basic local powers by exclusive jurisdiction of federal governments; Local ability seriously eroded.

Existing cable ordinance and franchise agreements: Nullifies important local cable rules and contractual requirements; Given 90 days to bring into compliance.

"Basic Service" definition: To receive up to 45 channels: Limited to retransmission of broadcast signals only; does not include access channels.

Rate review/regulation for non-premium cable services following agreed upon time frame of rate freeze: Nullifies local ability to oversee rates for other non-premium satellite delivered programming now included in basic service rates; prohibits local ability for related services, i.e. installation, converters, added outlets, etc.

36 channel subscribers system minimum: Null and void.

Tiered service structure: Null and void.

36 channel institutional network: Null and void.

Interconnection of systems: Null and void.

Connections to public facilities: Null and void.

Regional interconnect channel: Null and void.

Interactive services and channels: Null and void.

9 access channels, not under cable operator control: Only 4-5 required; FCC has ability to reduce further or eliminate; Cable operator has ability to reduce further; under cable operator control; grandfathered until renewal or extension.

Access facilities, staff assistance equipment (studio(s), portapaks, etc.): Null and void.

Leased access channel(s): Eliminated if program distributors have channel arrangements.

Franchise renewal process: Limits local ability, almost total protection to cable operator.

Franchise fee of 3%, to be used for cable purposes: Nullifies; FCC to set single national limit within 180 days of S. 66 enactment.

Protection of subscriber privacy: Preempted by federal standards.

In general

Total Lake County effort to secure: good services; reasonable rates; protection to the public; proper business climate; open franchise process; competition for franchise. All null and void.

Proper and reasonable regulations and requirements for franchise: Null and void.

Local contractual arrangements mutually agreed upon: Null and void.

Please note:

1. Lake County was complimented by cable operators and others for its cable ordinance and a well-conducted franchise process.

2. The preemption and nullification of local authority, determinations and agreements by unilateral federal action is a significant blow to the national-local role in serving the public.

RESOLUTION 1982-83-16—a RESOLUTION OPPOSING S-66 WHICH WOULD PROVIDE FOR FEDERAL REGULATION OF CABLE TELEVISION (CATV)

Whereas, the DuPage Mayors and Managers Conference is a corporate entity chartered within the State of Illinois and the County of DuPage, representing thirty-four municipalities with a combined population of over 530,000 citizens; and

Whereas, the DuPage Mayors and Managers Conference is organized among other reasons to discuss and direct the concerns of municipal officials toward mutual problems and to seek resolution of such problems; and

Whereas, the regulation of cable television has traditionally been the province of local government; and

Whereas, S-66, sponsored by Senator Goldwater, would render full regulatory authority to the Federal Communications Commission (FCC) unless specifically delegated, thus stripping local governments of the traditional right of local regulation; and

Whereas, municipalities would lose all jurisdiction over rate regulation with the exception of rates for "must carry", off the air signals; and

Whereas, municipalities would be prohibited from requiring cable operators to set aside more than ten percent of available channels for public, educational or governmental access, with the possibility of operators being exempted from the 10 percent figure if the FCC determines a sufficient number of alternatives to local access channels exist; and

Whereas, S-66 would virtually mandate automatic franchise renewal and may impede the efforts of municipalities to secure technological upgrades at the time of renewal; and

Whereas, the FCC would have the responsibility to set a national franchise fee that would cover the cost of system regulation only; and

Whereas, negotiations between the National League of Cities and the cable television industry are currently underway which may lead to a compromise position that is mutually acceptable;

Now, therefore, be it resolved that the DuPage Mayors and Managers Conference strongly opposes S-66, as was the case with the bill's predecessor S-2172 (Resolution 1982-83-04 attached herein) and urges its legislative representatives to oppose this bill; and

Be it further resolved that copies of this resolution be sent to Senators Percy, Dixon, and Goldwater, Representatives Hyde, Corcoran, and Erlenborn, the National League of Cities, and Illinois Municipal League.

Passed and approved by the DuPage Mayors and Managers Conference on this 16th day of March, 1983.

JANICE GERZEVSKIE,  
President.

(From the Chicago Sun-Times, June 8, 1983)

FINE-TUNE CABLE BILL

Within a week, the Senate is scheduled to take up a bill that would set national regulations for cable television. We recently outlined some of the serious problems in the current version of the bill, sponsored by Sen. Barry Goldwater (R-Ariz.). Now we're happy to report that Sen. Alan J. Dixon (D-Ill.) has responded.

Dixon is proposing a series of amendments to correct some of the worst flaws, chief among them a pre-emption of local control over franchise renewals and the rates cable companies can charge their customers.

Those issues are especially important to Chicago, which is now negotiating its first cable contracts. The work of the negotiators would be in vain if the unamended bill passes. Other cities large and small across the country have also voiced these concerns.

Illinois Bell has raised another: The bill would allow cable companies to compete, essentially without regulation, against services offered by phone companies, which are highly regulated. We think that would be unfair.

If all these problems can be corrected, the bill might be acceptable. If not, it should be tabled. There is no emergency demanding its passage this session.

Mr. Dixon, Mr. President, may I inquire about the time remaining to the

funds shall be available only for assistance to other African countries."

a uniform State percentage for such data year.

#### ZORINSKY (AND EXON) AMENDMENT NO. 1345

Mr. ZORINSKY (for himself and Mr. EXON) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 35, line 3, after the period insert the following: "The study period shall not exceed 18 months."

#### PERCY AMENDMENT NO. 1346

Mr. PERCY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 39, line 12, strike out "\$17,686,000, of which" and insert in lieu thereof "\$22,186,000, of which \$4,500,000 is available only for payment to the International Atomic Energy Agency."

#### COCHRAN (AND EAGLETON) AMENDMENT NO. 1347

Mr. COCHRAN (for himself and Mr. EAGLETON) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 5, after line 2, insert the following new paragraph:

For an additional amount for emergency measures to repair flood damage as authorized by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), \$10,000,000, to remain available until expended.

#### CHAFEE (AND OTHERS) AMENDMENT NO. 1348

Mr. CHAFEE (for himself, Mr. INOUE, and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 70 after line 18, insert the following:

Sums appropriated under section 301(e)(2) of Public Law 97-377 for health planning activities may be used for carrying out such activities for fiscal year 1983 under section 935(b) of the Omnibus Reconciliation Act of 1981.

#### STAFFORD (AND OTHERS) AMENDMENT NO. 1349

Mr. STAFFORD (for himself, Mr. PELL, Mr. LEAHY, Mr. CHILES, and Mr. CHAFEE) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 71, after line 25, add the following:

For an additional amount for subpart 2 of part A of title IV of the Higher Education Act of 1965 relating to Supplemental Educational Opportunity Grants, \$4,600,000: *Provided*, That, notwithstanding section 413D(b)(B)(ii) of the Higher Education Act of 1965 and section 10 of the Student Financial Assistance Technical Amendments Act of 1982, funds appropriated under this heading and any funds appropriated for fiscal year 1983 for such subpart 2 that are not obligated or committed for the fiscal year 1983 shall be allocated in a manner designed to ensure that all eligible institutions receive a minimum funding level based upon

#### D'AMATO AMENDMENT NO. 1350

Mr. D'AMATO proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 76, line 18, strike out the period and insert in lieu thereof the following: "Provided further, That, the Commission on the West Central Front of the United States Capitol shall appoint, from among private individuals who are qualified, by reason of education, training, and experience, a consulting architect who shall assist the Commission in directing the Architect of the Capitol with respect to the restoration of the West Central Front of the United States Capitol: *Provided further*, That the Architect of the Capitol shall keep the consulting architect appointed under this paragraph fully and currently informed of the progress of the restoration of the West Central Front of the United States Capitol: *Provided further*, That the consulting architect for the restoration of the West Central Front of the United States Capitol appointed under this paragraph shall be paid for his services (out of the sum appropriated by this paragraph) at such rate of pay as the Commission considers appropriate, but not exceeding a rate equal to the daily equivalent of the rate of basic pay payable for grade GS-18 under the General Schedule under section 5332 of title 5, United States Code."

#### HATCH (AND OTHERS) AMENDMENT NO. 1351

Mr. HATCH (for himself, Mr. STAFFORD, Mr. LEAHY, Mr. CHILES, Mrs. HAWKINS, Mr. RANDOLPH, and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of the resolution, insert the following new section:

"Sec. There is appropriated \$2,500,000 for section 621 of the Education of the Handicapped Act, relating to regional resource centers, which is an addition to the amounts otherwise available for that section for fiscal year 1983."

#### ARMSTRONG (AND HART) AMENDMENT NO. 1352

Mr. ARMSTRONG (for himself and Mr. HART) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 35, between lines 5 and 6, insert the following:

"In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Re-Payment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, including interest on construction costs, allocated to municipal and industrial use which exceeds \$38,000,000 shall not be reimbursable."

#### CABLE TELECOMMUNICATIONS ACT OF 1983

#### DIXON AMENDMENT NO. 1353

(Ordered to lie on the table.)

Mr. DIXON submitted an amendment intended to be proposed by him to the bill, S. 66, supra, as follows:

On page 36, beginning with line 18, strike all through line 16 on page 37, and insert in lieu thereof the following:

Sec. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization the franchising authority shall grant such renewal or other extension if it finds that—

(1) the cable system operator has substantially complied with the material terms of such franchise and with applicable law;

(2) the cable system operator has not been convicted of a felony;

(3) there has been no material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

(4) the facilities to be provided for such operator, including facilities for governmental access, are reasonable in light of the community need for the cost of such facilities.

(5) the signal delivered by the cable system within the control of the cable system operator, has generally met technical standards as established by the Commission; and

(6) the proposals contained in the renewal application are otherwise reasonable.

On page 37, lines 17 and 18, after "renewal" strike "at least" and insert "between 18 and"

On page 37, strike out line 23.

On page 38, line 1, strike out "request" and the comma immediately before "accept".

On page 38, line 1, strike out the comma immediately after "accept" and strike out "or consider".

On page 38, line 3, strike out "approved" and the period and insert in lieu thereof "approved; and".

On page 38, between lines 3 and 4, insert the following new paragraph:

"(3) may not accept any bid that does not ensure that the original franchisee receives fair market value for any assets to be acquired by the proposed new franchise holder.

On page 39, line 3, strike out "de novo".

On page 39, line 4, strike out all beginning with "jurisdiction" through line 5 and insert in lieu thereof "jurisdiction, and such review shall be limited to issues of law and procedure."

Mr. DIXON, Mr. President, I submit an amendment to Senate bill S. 66 for printing.

This amendment is similar to an amendment I previously introduced today. However, this amendment contains additional language which says that a cable systems operator must file for renewal between 18 and 24 months before the expiration of the franchise. This modification of the time schedule would allow for the renewal test to be triggered near the termination of the franchise, allowing reasonable time for consideration of all options.

Mr. President, I ask unanimous consent that letters from the National Conference of State Legislatures, the city of Wheaton, and the city of Evanston in Illinois, the Northwest Municipal Conference, and the American Public Power Association, as well as an



editorial from the June 9 edition of the New York Times, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF STATE  
LEGISLATURES.

Washington, D.C., June 7, 1983.

DEAR SENATOR: On behalf of the National Conference of State Legislatures I urge you to oppose S. 66 the Cable Telecommunications Act of 1983 as reported. The bill preempts state and local authority to regulate the provision of cable television and cable related services in the public interest.

The definition of "basic telephone service" in S. 66 would allow cable television companies to offer unregulated local telephone and data transmission services. Existing local telephone service would remain subject to state regulation.

State governments would be preempted from overseeing cable television service in S. 66. Cable TV enjoys the unique capability to provide through a single cable a wide variety of services including television, voice communication, data transmission, alarm services, and shopping and banking at home. No other utility can compete with cable's ability to provide this service combination at this time.

The Senate should not be considering a curtailment of state authority to regulate public utility telecommunications at this time. The cable industry has not demonstrated that current state and local regulation has restrained its current ability to grow at a rapid pace. Recent federal actions implementing the divestiture of AT&T and the Federal Communications Commission's access charge decisions will mean profound changes in the telephone industry. Before the federal government pursues a new initiative in the telephone policy area, we should evaluate the impact of the already mandated changes.

Several senators will offer amendments to the bill. I urge you to support those amendments that would protect the authority of states and local governments to regulate cable television and cable related services.

Very truly yours,

PHILIP J. ROCK,  
President, Illinois State Senate,  
Chairman, State-Federal Assembly.

CITY OF WHEATON,  
Wheaton, Ill., May 26, 1983.

Hon. ALAN J. DIXON,  
U.S. Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIXON: Recently the Wheaton City Council and administrative staff reviewed Senate Bill 66, which is substantially based on agreements reached between the National League of Cities and the National Cable Television Association. We understand that Senate Bill 66 was approved by the Senate Committee on Commerce, Science and Transportation on April 21, 1983, and will be considered by the full Senate sometime in the near future.

In addition to reviewing Senate Bill 66, the City Council and administrative staff also reviewed those concerns expressed by a number of cities in opposition to the bill, along with the draft amendments proposed by the U.S. Conference of Mayors. While Senate Bill 66 does appear to address a number of valid concerns raised by the cable television industry, the bill also fails to adequately address a number of important areas which pertain to the ability of local governments to negotiate franchise agree-

ment terms which satisfy local needs. Specifically, the City of Wheaton would like to express the following concerns in regard to Senate Bill 66:

1. The City of Wheaton's primary concern with Senate Bill 66 is in regard to the grandfathering provisions. It is our understanding that the bill would go into effect on the date of enactment, and that existing franchise requirements concerning programming, services, facilities, equipment, and access channels are grandfathered for the term of the franchise. The City of Wheaton is currently involved in the cable television franchising process, and has already issued a Request for Proposals (RFP) to interested cable television companies. Responses by cable television companies to the City's RFP are due on June 1, 1983, and the City anticipates awarding a cable television franchise and executing a franchise agreement sometime in the fall of 1983.

The City's RFP document was designed to set forth in detail the City's basic requirements for a cable television system, as well as provide the basic framework for a subsequent cable television franchise agreement. Therefore, the City would strongly recommend that Senate Bill 66 should also grandfather those franchise processes in which an RFP has been issued or franchise applications have been accepted.

2. Language contained in Senate Bill 66 allows cable operators to remove enhanced services, facilities, and equipment, if there has been a significant change in circumstances since the operator offered such items (Section 613). The City strongly disagrees with this provision of the bill, and supports the principle that facilities and categories of service should be subject to negotiation between the City and the cable television company. The City is opposed to the cable operator having discretion to eliminate services, and belief that a City should have the authority to negotiate those services appropriate for their community.

The City also strongly supports the negotiation of all types of access channels to satisfy local needs, and local authorities should be able to insure third party access to the system on a non-discriminatory basis (Sections 613 and 614).

3. Section 609 of Senate Bill 66 contains language which creates a "presumption of renewal" for the cable operator, and also provides for "de novo" court review of denials of renewal (and requires the existing franchise to remain in effect until completion of such court review). The City of Wheaton is strongly opposed to the provisions of Section 609 and feels that the bill should not establish specific renewal criteria.

The City feels that the re-franchising process provides a meaningful competitive incentive to the cable operator to fulfill existing franchise commitments and offer new services as they become economically and technically feasible. The City is also concerned that the "presumption of renewal" language may have antitrust implications in the future.

4. Section 607 of Senate Bill 66 contains language which allows the cable operator to automatically increase basic service rates under specified conditions. While the City of Wheaton intends to take a passive roll with respect to the regulation of subscriber basic service rates, the City is opposed to provisions which would remove the City's existing authority to regulate those basic service rates. The City of Wheaton desires to retain its regulatory authority in order to insure that the rates actually imposed by the cable operator are consistent with the City's basic objectives for the cable television system.

In addition, Section 603 of Senate Bill 66 revises the definition of basic service to exclude tiers offered at a discount rate. The City strongly feels that basic service should be defined according to each franchise agreement.

5. The language contained in Senate Bill 66 defines the purpose of the bill to establish a national policy for broad-band telecommunications. The City is opposed to exclusive federal jurisdiction over telecommunication services and would suggest that jurisdiction should be shared among various levels of government. In addition, Senate Bill 66 does not address a number of federal jurisdiction matters such as minimum technical standards, minimum standards for interconnection of cable systems, and municipal regulation of alternative service providers.

The City of Wheaton recognizes the efforts of the National League of Cities and National Cable Television Association to reach agreement on cable television legislation, however, the concerns identified above are based on the City's belief that Senate Bill 66 would reduce the authority of the City to insure the best possible cable services for our residents.

We urge you to withhold your approval of Senate Bill 66 in its current form and also would ask that you urge your colleagues to do likewise. Thank you for your consideration.

Sincerely,

ROBERT J. MARTIN,  
Mayor.

CITY OF EVANSTON,  
Evanston, Ill., June 2, 1983.

Hon. ALAN J. DIXON,  
Hart Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIXON: The attached resolution was adopted by the Evanston City Council on May 23, 1983, and is being forwarded to you in accordance with the contents of the resolution.

Please give it your careful consideration.

Yours truly,

SANDRA W. GROSS,  
City Clerk.

A RESOLUTION URGING OPPOSITION TO  
SENATE BILL 66—PROPOSED FEDERAL LEGISLATION  
RELATING TO CABLE TELEVISION

Whereas, federal legislation relative to cable television has been introduced on April 21, 1983, by the Senate Commerce Committee for consideration by the United States Senate; and

Whereas, this proposed bill would preempt certain regulatory authority of local governments over cable television operations and increase the authority of the Federal Communications Commission over local activities; and

Whereas, the City of Evanston entered into a franchise agreement with a cable operator on September 11, 1981, based on certain mutually agreed upon provisions, and sanctions; and

Whereas, said franchise agreement is designed to provide for a community communications network and entertainment programming based on certain rates and levels of service; and

Whereas, S. 66 would limit local regulatory authority, restrict the ability of local government to respond to the needs of the community; and

Whereas, the City of Evanston considers the exercise of local regulatory powers to be of great importance to adequately protect the interests of the community; and

Whereas, this bill, S. 66, requires further study, consideration and public testimony;

Now, therefore, be it resolved by the City Council of Evanston, Illinois:

1. That the City Council opposes passage of S. 66, as it is written;
2. That the City Council, on behalf of its cable subscribers and access users, urges delay on any action to pass such legislation in the present proposed form;
3. That the Illinois Congressional delegation are encouraged to oppose Senate Bill 66;
4. That copies of this resolution be sent to representatives of the Illinois Congressional delegation by the City Clerk of the City of Evanston.

NORTHWEST MUNICIPAL CONFERENCE,  
Mount Prospect, Ill., June 2, 1983.

Hon. ALAN J. DIXON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DIXON: As Chairman of the Northwest Municipal Cable Consortium, I would like to encourage you to oppose any version of the pending S. 66 that does not incorporate amendments speaking to several specific municipal concerns. The Cable Consortium is an intermunicipal body of ten municipalities responsible for regulating and working with one of the largest cable communications systems in the Chicago suburbs, and investigating and encouraging use of the many services cable can provide both to municipalities and the public.

We find we have a good relationship with local cable companies, and uniformly find that we can best protect the public interest through the Agreements we negotiated openly and willingly with the companies.

Is our understanding that you have already interceded to stop a vote on S. 66 prior to debate. At a time when many legislators appear to be unaware of the complex difficulties S. 66 can cause, we very much appreciate your assistance.

We endorse the amendments put forward by the U.S. Conference of Mayors and largely endorsed by the National League of Cities, according to its newsletter of May 30. We are especially concerned that S. 66 currently converts any franchise to a perpetual monopoly in its Franchise Renewal section, and virtually eliminates rate regulation, inasmuch as almost all cable systems meet the irrelevant test of receiving four broadcast signals. It is also important that municipalities continue to have the authority to insure nondiscriminatory access to the cable system, both through Public Access and Leased Access channel requirements.

Again, let me express our appreciation for your efforts thus far.

Sincerely,

GERALD FARLEY,  
Trustee, Mount Prospect.

AMERICAN PUBLIC POWER ASSOCIATION,  
Washington, D.C., June 6, 1983.

Hon. ALAN J. DIXON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DIXON: The American Public Power Association, representing over 1,750 local publicly owned electric utilities throughout the country, opposes S. 66, the Cable Telecommunications Act of 1983. The bill is scheduled for floor consideration June 13. We urge you to vote against it.

The bill, representing a "compromise" between the National League of Cities and the National Cable Television Association, is very controversial and, in fact, opposed by many local governments. It affects significant numbers of entities who were not parties to the negotiations. For example, S. 66 will have a detrimental effect on public power systems' use of cable technology, and yet, our national organization representing

public power systems had no hand in the formulation of a compromise.

Over the last several years, public power systems have become increasingly interested in using cable technology to deliver utility services effectively. Although cable technology has vast potential to deliver public services and to transmit essential data, S. 66 completely ignores the public service and monopoly aspects of cable. It states as a matter of federal law that cable is not a common carrier, and therefore does not have to offer service to all at fair and non-discriminatory rates. In addition, the bill severely restricts a local community's ability to negotiate renewals and buybacks so that in most instances municipal ownership would be prevented. While hampering municipal ownership, the bill also eliminates local regulation of the cable industry.

We understand that several amendments may be offered to improve the bill for local governments. While any improvements are welcomed, APPA does not feel the bill can be improved to the necessary level, and we therefore oppose the entire bill because it infringes so drastically upon the prerogatives of local government.

Enclosed is a fact sheet on S. 66 which outlines APPA's concerns more completely.

Sincerely,

ALEX RADIN,  
Executive Director.

[From the New York Times, June 9, 1983]

#### DON'T RUSH THE FEDERAL CABLE RULES

The companies that wire homes and offices for cable television say Congress should free them from local regulation that limits their growth. But many cities, including New York, argue that the proposed relief would usurp local powers to bring a financial windfall to powerful cable interests.

To compound the conflict, the newly regional Bell telephone companies insist that the proposed bill would give cable operators an unfair advantage in future telecommunications services. They say it would rob Bell of revenues it wants to hold down the price of local telephone service.

The stakes in this debate are probably exaggerated. Given the speed of technological change, it is probably wise to delay any Federal legislation until the regulatory problems—and remedies—are better understood.

Cable operators want the Feds to limit the franchise fees that communities can collect to 5 percent of gross revenues. They also want to limit the grounds on which franchise renewals may be denied. And they want no limits on cable charges in most places. Without these protections, the cable companies contend, it will be hard to raise the capital to complete the wiring of American homes.

Officials in many cities reply that the cable operators merely want to expand their freedom to reduce the quality or raise the prices of services. Yet the board of the National League of Cities, representing hundreds of communities, supports the legislation for tactical reasons. It thinks the proposed Federal limits would actually help the cities to set other conditions for cable operators and to forestall less desirable action by Congress.

Some independent analysts go even further, believing that the profit bloom is off the cable rose. They think cities can no longer expect better deals than the proposed law would allow and that it would actually help to have the law clarify other questions, like the degree to which antitrust law applies to franchise negotiations.

The already closely regulated telephone companies object to any arrangement that leaves their potential cable competitors

without comparable regulation. Though they are assured a monopoly in two-way voice telephone service, they expect cable to crowd them in other areas, like high-speed data communication among computers. Already inhibited by the terms of their separation from A.T. & T., they and their residential phone customers have some reason for concern.

On present evidence, all these arguments seem premature. The proposed law would not greatly damage local interests in franchise terms. And the threat to telephone companies, while real, is probably a decade away. But neither would the law do much to speed the development of cable services.

What should therefore tip the balance strongly against the bill is the obvious uncertainty about the industry's technological and economic future. It is not yet known, for example, whether direct broadcast satellites will compete with cable and change the regulatory question altogether. Nor is it clear whether the new born regional phone companies will need regulatory help to sustain a high quality of service at fair prices.

Caution would seem to be the most desirable national strategy. In two or three years, the sort of regulation that suits cable will be better understood. And little or nothing will be lost by waiting.

#### SUPPLEMENTAL APPROPRIATIONS, 1983

#### WILSON (AND CRANSTON) AMENDMENT NO. 1354

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 64, between lines 16 and 17, insert the following:

"In order to provide for the acquisition of Sweeney Ridge, California: (a) The Secretary of the Interior is authorized and directed to acquire, by negotiated purchase, the lands and waters in San Mateo County, California, comprising the area known as 'Sweeney Ridge' and generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA-GG-80,000-A, and dated May, 1980. The Secretary shall update, or cause to be updated, an appraisal of the value of Sweeney Ridge, California, within 30 days of the date of enactment of this bill.

"(b) If, within the sixty-day period following the date of the enactment of this bill, the Secretary of the Interior receives a written request from the owner or owners of the lands and waters referred to in subsection (a) to enter into negotiations with respect to the purchase, by the Secretary of the Interior, of the lands and waters referred to in subsection (a) of this section, the Secretary shall promptly enter into negotiations with such owner or owners for the purpose of purchasing such lands and waters.

"(c) Upon the acquisition of such lands and waters, the Secretary shall publish, in the Federal Register, a notice to that effect. On and after such date of publication, the lands and waters so acquired by the Secretary shall be deemed a part of the Golden Gate National Recreation Area and shall be administered by the Secretary in accordance with the laws and regulations applicable to